SERVED: May 24, 2012

NTSB Order No. EA-5631

## UNITED STATES OF AMERICA NATIONAL TRANSPORTATION SAFETY BOARD WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. § 800.24) on the 24th day of May, 2012

	)	
MICHAEL P. HUERTA,	)	
Acting Administrator,	)	
Federal Aviation Administration,	)	
Complainant,	)	
	)	
v.	)	Docket SE-19297
	)	
MALLORY McGRIMLEY,	)	
	)	
Respondent.	)	
	)	
	)	

## ORDER DISMISSING APPEAL

On May 17, 2012, respondent filed a notice of appeal from the law judge's written order granting the Administrator's motion for judgment on the pleadings, issued on May 14, 2012.

In an emergency proceeding, the Board's Rules of Practice require a notice of appeal be filed within 2 days after the oral initial decision or written order, and must be perfected by an appeal brief filed within 5 days after the notice of appeal. Respondent's notice of appeal was due on May 16, 2012 but was not filed until May 17, 2012. Respondent's appeal brief was due on May 21, 2012, however, she did not file her brief by the deadline established by § 821.57(b) and as of the date of this order still has not filed her brief.

Under 49 C.F.R. § 800.24(j), the NTSB General Counsel may dismiss late filed notices of

<sup>&</sup>lt;sup>1</sup> 49 C.F.R. § 821.57(a) and (b).

appeal and appeal briefs for lack of good cause. Respondent failed to timely file her notice of appeal and failed to provide good cause for the delay.

## ACCORDINGLY, IT IS ORDERED THAT:

Respondent's appeal is dismissed.

David K. Tochen

David K. Tocker

General Counsel